



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: October 21, 2011
Applicant: Floaties Swim School
Case No.: PCC-11-058
Address: 851 Showroom Place Suite 102
Project Planner: Caroline Young

Notice is hereby given that on October 21, 2011, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-11-058, filed by Floaties Swim School, Inc. ("Applicant"), at 851 Showroom Place Suite 102, Chula Vista, Ca. ("Project Site"). The Applicant requests a CUP to allow an indoor swimming pool facility, "Floaties Swim School". The Project Site is zoned "Village Center" (VC-1) Planned Community District Regulation by the Eastlake II Sectional Planning Area (SPA), and has a General Plan designation of Commercial Retail (CR). The Project is more specifically described as follows:

The Applicant requests approval of a Conditional Use Permit to operate the "Floaties Swim School" a children's indoor swimming pool facility with associated changing rooms, play area, and offices to conduct swimming classes within an existing building ("Project"). The business will be located in a multi-tenant commercial/office building, with shared parking spaces. The site is located in the Eastlake II Planned Community, and is designated as a "Village Center" (VC-1) District by the Eastlake II Sectional Planning Area (SPA). Pursuant to Sections III.1 of the Eastlake II Planned Community District Regulations, indoor recreation facility, are permitted uses upon approval of a Conditional Use Permit.

The Planning Staff has reviewed the proposed project for compliance with the California Environmental Quality Act and has determined that the project qualifies for a Class 1 categorical exemption pursuant to Section 15301 of the State CEQA Guidelines. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 A of the Chula Vista Municipal Code and the Eastlake SPA plan has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

1. **That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed indoor swim school will provide necessary and desirable recreational services for the community at this location. The proposed school will offer the facilities and the equipment for children to learn how to swim. This will serve particularly those families that do not have a swimming pool or swim club near their residence. The proposed school will provide this type of facility for this area where no other similar facility is available. Thus, this facility and the services it provides will contribute to the general well being of the neighborhood and the community.

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The proposed use will not be detrimental to the health, safety or general welfare of the residents or workers nor to property or improvements in the area. The characteristics of the proposed use and its operation do not have features that could have detrimental effects. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista. The proposed use will be in a completely enclosed existing building and far away from residential properties. Noise from children will be contained inside the building and no outdoor activities will be permitted at any time.

3. **That the use will comply with the regulations and conditions specified in the code for such use.**

The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-11-058.

4. **That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The General Plan designates the site as Commercial Retail. This finding is met because the operation of the Project, as approved by a Conditional Use Permit pursuant to the Eastlake II Sectional Planning Area (SPA) Plan, is consistent with

Commercial Retail (CR) permitted land uses. Thus, the proposed project is consistent with the Commercial Retail (CR) General Plan land use designation and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-11-058 as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

Planning Division

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

2. Any future special events that require the installation of temporary flags, balloons, signs, etc. shall be permitted through a Special Event Permit which allows for these items to be installed for up to 14 days in a calendar year.

Fire Department

3. Prior to occupancy, the Applicant shall provide a Knox Vault at the main entrance to the building and at the fire control room.

4. Prior to occupancy, the building(s) shall be addressed in accordance with the following criteria:
 - 0 – 50ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke
 - 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke
 - 151ft from the building to the face of the curb = 16-inches in height with a 2-inch stroke
5. Prior to occupancy, the site shall be protected throughout by an approved fire alarm system approved by the Fire Department.
6. Prior to occupancy, the Applicant shall provide one fire extinguisher for every 3000 square feet and 75 feet of travel in any direction.
7. Deferred submittal will be required for any modifications to the fire sprinkler or alarm system. Plans shall be submitted to the Fire Department for approval prior to any modifications to the system.

Public Works Department

8. Prior the approval of the building permit, the Applicant shall complete Form 5504A to describe Best Management Practices (BMPs) that will be implemented in order to prevent the discharge of pollutants into storm drain systems during the construction phase of the project.
9. Prior the approval of the building permit, the Applicant shall submit a Storm Water Pollution Prevention Plan for the review and approval of the Public Works Department.

Land Development Division

10. The following fees will be required based on the final Building Plans submitted:
 - a. Sewer Capacity Fee
 - b. Traffic Signal Fee
 - c. Public Facilities Fees
 - d. Eastern TDIIF
11. The Applicant shall submit for a Land Development Permit if the construction of the swimming pool consist of moving more than 250 cubic yard of earth.
12. The onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.

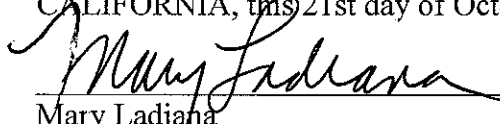
13. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking associated with this project shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-11-058, date stamped on September 6, 2011, which includes a site plan and floor plan on file in the Planning Division, the conditions contained herein, and Title 19.
2. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
3. Hours of operation for the facility shall be limited to Monday through Friday from 9:00 a.m. - 6:00 p.m. and Saturday from 8:00 a.m.-1:00 p.m.
4. A maximum of 25 students per hour shall be allowed on site.
5. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
6. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
7. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit

8. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 21st day of October 2011.



Mary Ladjana
Zoning Administrator